Convention on the Elimination of All Forms of Discrimination against Women

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Sixty-eighth session

Summary record of the 1546th meeting
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Chair: Ms. Leinarte

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Kenya (CEDAW/C/KEN/8; CEDAW/C/KEN/Q/8 and CEDAW/C/KEN/Q/8/Add.1)

1. *At the invitation of the Chair, the delegation of Kenya took places at the Committee table.*

2. **The Chair** said that she wished to welcome the Deputy Permanent Representative of the Permanent Mission of Kenya to the United Nations Office in Geneva. At the invitation of the Committee, other members of the delegation would be speaking via video link from Nairobi.

3. **Ms.** Sicily **Kariuki** (Kenya) said that, since submitting its seventh report to the Committee, her country had stayed the course with regard to enabling women and men, and girls and boys to realize their right to equal opportunities in the political, social, economic and cultural spheres. Kenya continued to put in place measures to eradicate discrimination against women and ensure gender equality, including affirmative measures to redress disadvantages suffered by women because of past discrimination. In the previous six years, more than a dozen laws had been enacted to ensure gender equality and inclusion. An amendment designed to align the Law of Succession Act with the Constitution was before the legislature.

4. Since the promulgation of the new Constitution in 2010, the number of women in elective positions had increased. Particularly noteworthy was the contrast between the general elections of 2013, in which not a single woman had been elected to a major office, and the exercise held in August 2017, which had resulted in the election of several female senators and governors, and a number of female representatives to the National Assembly. While, at the county level, only 98 out of 1,450 positions had been filled by women, the 2017 results nevertheless represented a step forward.

5. Her Government had established a Department of Gender Affairs, which enjoyed sufficient financial and human resources, and had taken steps to mainstream gender in the national development process, including in its efforts to bring about public sector reform and build capacity in the area of gender statistics. It took the Sustainable Development Goals seriously and had directed all ministries, departments and agencies to mainstream the Goals in all policy, planning and budget processes. It had also carried out a baseline survey on gender-related sustainable development to monitor progress towards the Goals and to assess the extent to which the objectives in the Kenya Vision 2030 plan converged with them. Several affirmative action funds for the economic empowerment of women had been strengthened, access to them facilitated and related outreach efforts stepped up to ensure that women took advantage of the funds. The initiative to set aside 30 per cent of government procurement opportunities for enterprises owned by young people, women and persons with disabilities had already benefited some 15,000 people, the majority of them women.

6. A recently launched four-year programme implemented jointly with United Nations agencies sought to, among other things, prevent gender-based violence, protect and assist victims, and ensure the expeditious prosecution of cases. A national policy on child labour had been approved in 2016, and a strategy for eliminating child marriage was being developed.

7. An amended version of the National Gender and Development Policy was awaiting Cabinet approval, as was the National Equality Policy. The latter sought to give effect to the Constitution's provisions on equality. The State budget included resources for developing action plans for implementing those policies at the national and county levels.

8. Her country, because of its patriarchal culture, still faced challenges in promoting gender equality and ending discrimination. For example, the Matrimonial Property Act of 2013 and the Marriage Act of 2014 contained provisions that conflicted with the spirit of the laws themselves and with that of the Constitution. Such challenges would continue as

long as women were underrepresented in decision-making positions. Noteworthy was the failure of Parliament to enact legislation to implement the principle, enshrined in the Constitution, that not more than two thirds of the members elected or appointed to public office should be of the same gender. Despite her Government's efforts and the Supreme Court's advisory opinion in 2015 on how to achieve the goal, the great challenge of upholding the principle had yet to be met.

Articles 1 to 6

9. **Ms. Schulz** said that the Committee was especially grateful for the review of recent developments in the opening statement, as the report, while submitted in 2016, only covered the period 2009-2013. She asked whether the State party had established a legislative and administrative framework for the effective implementation of the recommendations of the Truth, Justice and Reconciliation Commission and whether the recommendations concerning women's rights had been given priority.

10. She wished to highlight the ongoing threats to the life, security and work of female human rights defenders, including in connection with electoral processes. Such actions, whether perpetrated by State or non-State actors, contravened the Convention and the Constitution. In 2015, the State party had accepted a number of recommendations made in the context of the universal periodic review regarding freedom of expression and association and the protection of human rights defenders. She asked whether it had rescinded the 15 per cent limit on foreign funding of non-governmental organizations (NGOs), which imperilled the activities of many NGOs working to promote women's rights. She wished to know whether the Kenya Information and Communications (Amendment) Act of 2013 and the Media Council Act of 2013 had been reviewed to ensure that they were in keeping with the Constitution. The Committee would like an update on the implementation of the Public Benefits Organizations Act of 2013. She asked whether all attacks against female human rights defenders were investigated and prosecuted, with sanctions applied to perpetrators and reparation provided, to the extent possible, to victims.

11. She asked how close the State party was to ratifying the Optional Protocol to the Convention, and when ratification was expected to occur.

12. During the universal periodic review, the State party had accepted a recommendation on the adoption of a comprehensive anti-discrimination law affording protection to all individuals, irrespective of their sexual orientation and gender identity. She asked how the State party reconciled its acceptance of that recommendation with its continued criminalization of homosexual acts between consenting adults. She wished to know the timeline for the adoption of the recommended anti-discrimination legislation.

13. Under article 2 of the new Constitution, international treaties ratified by Kenya automatically became part of national legislation, without needing to be transposed into national laws. Thus, the Convention was part of the Kenyan legal system. At the same time, under article 45 of the Constitution and article 49 of the Marriage Act, the recognition of various systems of religious, personal and family law exposed women married under Islamic law or customary law to violations of their right to equal treatment in the area of marriage and the family. She asked whether the State party was ready to start the process of enacting an Islamic family law compatible with article 27 (2) and (3) of the Constitution and articles 1, 2 and 16 of the Convention. Furthermore, was it ready to analyse the various laws on personal status being applied in Kenya, as well as other relevant laws, with a view to addressing any violations of the Convention's provisions?

14. **Ms. Baraza** (Kenya) said that the Optional Protocol to the Convention still awaited ratification by the parliament. Comprehensive legislation on anti-discrimination had been drafted and was being reviewed by the Kenya Law Reform Commission. While homosexual acts between consenting adults were still treated as crimes, she hoped that the upcoming public debate concerning the proposed anti-discrimination law would cover that issue.

15. The unique place of Islamic law in her country's history had been demonstrated in the debate preceding the adoption of the new Constitution. That history explained why the bill of rights contained provisions exempting the kadhis' courts from applying the equality

provisions of the Bill of Rights. In State courts, invocation of the principles enshrined in the Convention was the rule rather than the exception.

16. **Ms.** Sicily **Kariuki** (Kenya) said that she wished to reiterate her Government's commitment to the implementation of the Convention. In certain areas, Kenya had made more progress than some more developed countries.

17. **Ms. Schulz** said that she was disappointed at the slow progress the State party had made with regard to the ratification of the Optional Protocol to the Convention and the introduction of comprehensive legislation that included protection from discrimination on the grounds of sexual orientation and gender identity.

18. **Ms. Halperin-Kaddari** said that it was unclear how the provisions of article 170 of the Constitution, on the institutionalization of kadhis' courts, and article 49 (3) of the Marriage Act, which exempted Muslims from any provision of the Act that was inconsistent with Islamic law, could be regarded as constitutional. Similarly, it was difficult to understand how allowing the practice of polygamy could be reconciled with the Constitution. It would be interesting to receive details of any cases in which kadhi court decisions had been appealed against before the civil courts.

19. **Ms. Baraza** (Kenya) said that the jurisdiction of kadhis' courts was limited to matters of Islamic law dealing with personal status and could only be petitioned by Muslims. While it was true that there were no women judges in the kadhi court system, the male judges were well versed in the content of the Constitution. There had been cases in which kadhi court decisions had been overturned on appeal by the High Court; further details would be provided in writing.

20. The practice of polygamy was entrenched in the Muslim and customary communities in Kenya and was viewed as acceptable by 60 per cent of the population. Under the provisions of the Marriage Act, polygamous marriages now had to be registered, thereby providing additional protection for women.

21. **Ms. Bethel** said that, while she welcomed the establishment of the Kenya National Human Rights Commission, the National Gender and Equalities Commission, the Commission on Administrative Justice, the Directorate of Gender in the Ministry of Devolution and Planning and the State Department of Gender Affairs, she would be grateful for clarification of the mandate of each body and details of the resources allocated to them. It would be helpful to learn about the inter-institutional mechanisms that were in place to avoid overlap in the work of the bodies. It was unclear which of them was empowered to hear and resolve complaints related to violations of women's rights.

22. It would be interesting to receive an account of the achievements of the Directorate of Gender in the Ministry of Devolution and Planning. She would welcome an update on the planned recruitment of gender officers and the initiative to include allocations for women's empowerment in the public budget.

23. She would like to hear the delegation's comments on the outcome of the review of the application of the policy of two-thirds gender representation for appointed positions and wondered why women with disabilities had been excluded from the policy. Information on the mechanisms in place to improve access for women to the Women Enterprise Fund, the Uwezo (Ability) Fund, the Youth Enterprise Development Fund and the government procurement opportunities initiative would be appreciated. She wished to learn what percentage of the recipients of government tenders had been women. She would welcome information on any assessment of the impact of the performance contract monitoring tool referred to in the periodic report. An update on the status of the framework to consolidate data disaggregated by sex, ethnicity and disability would be welcome.

24. **Ms. Gbedemah** said that she would be interested to hear whether temporary special measures aimed at accelerating de facto gender equality were in place in fields other than the political sphere, including for kadhis' courts and alternative dispute resolution mechanisms, and, if they did exist, whether they had been evaluated against their initial objectives.

25. She would appreciate an update on the progress towards the full implementation of the two-thirds gender representation policy. It was unclear whether the Supreme Court ruling that the policy should be implemented progressively rather than immediately could be interpreted as an erosion of attempts to institute constitutionally mandated temporary special measures. She wished to know what steps the Government was taking towards the enactment of the equality legislation provided for in article 100 of the Constitution.

26. **Ms.** Wanjiru **Kariuki** (Kenya) said that Sustainable Development Goal 5.1 had been incorporated into the draft national policy on gender equality and women's empowerment. The State Department of Gender Affairs had been allocated 204 posts, 75 of which had been filled. Recruitment for the remainder of the posts would be completed before the end of the financial year. The Department's annual budget had increased from US$ 230,000 in 2014/15 to US$ 12 million in 2017/18. Similarly, the budget of the National Gender and Equalities Commission had increased from US$ 3.09 million in 2015/16 to US$ 3.86 million in 2016/17. The State budget for 2016/17 had included specific allocations for gender issues, and efforts were being made to achieve greater government accountability in that area. Disaggregated data from the Public Service Commission, the Kenya Private Sector Alliance and the Kenya Bureau of Statistics were being collated into a centralized system.

27. The achievements of the Department of Gender Affairs included the establishment of gender focal points in all ministries and the provision of training on gender mainstreaming for all government officials. Among other initiatives, the Government had developed a national strategy to increase the participation of women in the electoral process and had launched a joint four-year programme to address gender-based violence in cooperation with United Nations partners and 14 government agencies.

28. Over the previous five years, the Youth Enterprise Development Fund had disbursed 4.9 billion Kenya shillings (K Sh) to 497,037 young people. Since its inception in 2007, the Women Enterprise Fund had disbursed K Sh 10.37 billion to enhance the economic inclusion of more than 1.3 million women. The Uwezo (Ability) Fund had been established in 2014 and since then had provided K Sh 5 35 billion to 920,162 individuals. The National Government Affirmative Action Fund had provided a total of K Sh 5.1 billion to support needy women and children. Of the 45,812 tenders that had been awarded since the introduction of the government procurement opportunities initiative, 53 per cent had gone to women.

29. **Ms. Bethel** said that it remained unclear which national body was empowered to hear and resolve complaints of violations of women's rights. She wondered which body had oversight of affirmative action funds including the Women Enterprise Fund. It would be useful to hear how the Government intended to improve access to those funds for women with disabilities.

30. **Ms. Baraza** (Kenya) said that the mandates of the Kenya National Human Rights Commission, the National Gender and Equalities Commission and the Commission on Administrative Justice were clearly set out in the respective legislation. The National Gender and Equalities Commission had oversight of issues relating to discrimination against women and had been at the forefront of documenting instances of discrimination and calling for government action on them, including in its annual report to Parliament.

31. Members of the public could turn to the Commission on Administrative Justice to seek redress for instances of misuse of public office, corruption and inefficiency. The role of the Kenya National Human Rights Commission was to develop a human rights culture in Kenya and to raise public awareness of the rights and obligations set forth in the Constitution.

32. **Ms. Meroka** (Kenya) said that, in its advisory opinion on the application of the "two-thirds" principle, the Supreme Court had maintained that the principle should be applied gradually, taking into account the prevailing circumstances in the country. Regrettably, no temporary special measures to facilitate the application of the principle had been put in place, despite the Supreme Court having made a recommendation to that effect. Similarly, attempts to draft laws to give effect to the principle had not borne fruit owing to a lack of consensus among parliamentarians.

33. As part of its strategy to reduce the perceived hostility of the Kenyan political system towards women, the Government had taken steps to address gender-based violence during elections through media campaigns and civic education initiatives. Funds had also been earmarked for initiatives to encourage more women to take part in political activities.

34. **Ms. Bethel** said that the delegation might clarify which State body was competent to receive complaints from women who had suffered gender-based rights violations and whether there was an institutional mechanism responsible for administering the funds earmarked for affirmative action initiatives.

35. **Ms. Meroka** (Kenya) said that the Commission for Administrative Justice could receive complaints from women whose rights had been violated. The Constitution provided that Parliament was responsible for allocating funds to the independent commissions and set out guidelines for their functioning. No independent commission monitored how other independent commissions used their funds.

36. **Ms. Rana** said that the Committee was deeply alarmed at the persistence of deep-rooted gender stereotypes, patriarchal attitudes, harmful cultural practices and gender-based violence, in spite of all the measures taken to eliminate them. The Committee had learned from alternative sources that acts of female genital mutilation seldom resulted in prosecution, particularly in indigenous pastoralist communities, in spite of efforts to crack down on the phenomenon. She would appreciate statistical data on the number of prosecutions and convictions of perpetrators of female genital mutilation, as well as information on the sanctions imposed on them. She asked whether the State party had adopted a new policy to combat female genital mutilation as planned and, if so, how the new policy differed from the previous one. It would also be helpful to hear more about the steps taken by the State party to prevent and combat the practice of "beading", which amounted to the rape of young girls by male members of their clan, and to punish those who engaged in or perpetuated the practice. She asked whether the Kenya Vision 2030 and its first medium-term plan for the period 2008-2012 had been subject to an impact assessment and, if so, what the outcome had been. The delegation might also outline the measures taken to protect, support and provide shelter to girls attempting to escape female genital mutilation and other harmful cultural practices. Had the State party considered collaborating with civil society to open more shelters for female victims of violence?

37. Recalling the importance of involving men in initiatives to tackle gender-based violence, she asked whether the State party planned to involve men in such initiatives on a permanent and not merely a trial basis and whether it had considered working with civil society to expand its awareness-raising efforts to reach a greater proportion of the male population, including religious leaders. While she welcomed the development of a training manual on stopping health-care providers from performing female genital mutilation, she would be interested to know how many training sessions had been conducted and how many medical professionals had attended those sessions. Did the State party still plan to incorporate an anti-female genital mutilation component into the national curriculum? Had the State party sought the assistance of media organizations in enforcing the requirement for journalists to show objectivity and fairness in their portrayal of women and children set out in the Media Council's Code of Conduct?

38. **Ms. Gabr** asked whether the State party had conducted any comparative studies on trafficking and prostitution to identify and address their root causes with a view to reducing the vulnerability of girls and women to sexual exploitation and facilitating the recovery and social reintegration of victims. The Committee had been informed by alternative sources that the State party had been unable to contribute to the assistance fund for victims of trafficking in 2016 owing to insufficient budgetary resources. She asked whether that was indeed the case and how the State party planned to remedy that situation. She would also like to receive information on the number and location of shelters for female victims of violence in the State party and on the measures in place to protect children against exploitation. The delegation should also provide statistical information on the number of prosecutions and convictions of State officials for corruption and/or complicity in trafficking. She also wished to know whether the State party planned to provide training to all relevant stakeholders on the functioning of the national referral mechanism for victims

of trafficking. Did the State party plan to extend its anti-trafficking campaign to cover the entire national territory, including rural areas?

39. The Committee had received reports that the majority of trafficking cases were prosecuted under the Sexual Offences Act of 2006 instead of the Counter-Trafficking in Persons Act of 2010, which prescribed harsher penalties, and that perpetrators of trafficking offences could escape imprisonment by paying a fine. She asked whether that was indeed the case and, if so, how the State party intended to remedy that situation.

40. Lastly, the delegation might describe the measures taken by the State party to combat the sexual exploitation of children in sex tourism, domestic service and refugee camps and to reduce demand for commercial sex. Were there measures in place to protect prostitutes against violence and exploitation? Was there a strategy in place to help prostitutes wishing to leave the profession reintegrate back into society? What services did the State party provide to prostitutes who were infected with HIV/AIDS?

41. **Ms. Meroka** (Kenya) said that the prevalence of female genital mutilation currently stood at 21 per cent. From 2014 to 2016, 79 cases of female genital mutilation had been brought under the Prohibition of Female Genital Mutilation Act of 2011, of which 9 had been withdrawn by the Director of Public Prosecution, 10 had resulted in the perpetrator being sentenced, 53 were still being heard and 7 had resulted in an acquittal. Additional cases of female genital mutilation had been prosecuted under the Children's Act of 2001.

42. The new policy to combat female genital mutilation was still being considered by the Cabinet prior to adoption. The measures taken to eradicate the practice of beading and to punish its practitioners relied on the constitutional provisions protecting the rights of women and children. While there was no specific law targeting the practice, there was evidence to suggest that there were links between "beading" and female genital mutilation, which allowed similar approaches to be taken to combating them on the ground. Cases of beading could be prosecuted under the Sexual Offences Act, under which perpetrators could be sentenced to life imprisonment. The delegation could provide information on the impact of the Kenya Vision 2030 and its medium-term plan within 48 hours. Girls attempting to escape female genital mutilation could seek refuge in schools, which had been declared safe spaces in a High Court ruling. Grass-roots organizations were educating young men about the dangers of female genital mutilation and about the role that they could play in its prevention. Those organizations also worked in partnership with religious leaders in Muslim-majority communities to convey the message that the Qur'an did not require girls to undergo the procedure. The training manual on stopping the medicalization of female genital mutilation was still under development with the result that no statistical data on the training sessions or participants were available. Medical professionals, law enforcement officers and community leaders all received training from the Anti-Female Genital Mutilation Board. The topic of female genital mutilation had been incorporated into the curricula of a number of schools and into relevant programmes of study at higher education institutions. There were also plans to undertake research on the prevalence of the practice in specific counties.

43. **A member of the delegation of Kenya** said that government research on human trafficking showed that 33 per cent of trafficking victims were children, 26 per cent were men and 41 per cent were women. The majority of women and girls were trafficked for the purpose of sexual exploitation. While the Government had been unable to contribute to the assistance fund for victims of trafficking in 2016, it had donated around $200,000 to the fund in 2017. The Government had also allocated funds for the setting up of a shelter in Nairobi and Mombasa. The National Plan of Action against the Sexual Exploitation of Children in Kenya, which had been adopted in 2013, was complemented by a series of programmes carried out by government and non-government stakeholders. The Plan of Action specifically targeted the tourism sector. The toll-free hotline, 116, could be used to report trafficking cases involving children.

44. Cases of corruption or complicity in trafficking involving State officials were dealt with under the Anti-Corruption and Economic Crimes Act and the Bribery Act. Guidelines on the national referral mechanism for victims of trafficking had been issued in December 2016 and would be disseminated in trafficking hotspots. The document set out standard

operating procedures for persons providing assistance to victims of trafficking. Anti-trafficking training was offered to diplomats prior to them being posted abroad. In 2017, the Government had observed the World Day against Trafficking in Persons, which had provided an opportunity to raise public awareness of the phenomenon. Awareness-raising efforts were conducted in rural areas with the assistance of local radio stations. The tendency for law enforcement officers to seek the prosecution of trafficking offences under the Sexual Offences Act was attributable, in part, to the low level of awareness of the Counter-Trafficking in Persons Act. The Government had endeavoured to remedy that shortcoming by incorporating mandatory training on the Counter-Trafficking in Persons Act into the programme of study in police training colleges. Under the Act, persons who promoted human trafficking were liable to imprisonment for a term of not less than 20 years or to a fine of not less than 20 million K Sh, or to both and, upon subsequent conviction, to life imprisonment. There were also programmes in place to assist women wishing to escape prostitution to find employment.

45. **Ms. Rana** said that she would like to receive additional statistical information on the prosecution rate for female genital mutilation, particularly in indigenous pastoralist communities. The delegation might also describe the measures taken to prevent the reoccurrence of gender-based violence at the hands of police and security officers during elections and to ensure that victims of such violence could lodge a complaint with the public authorities without fear. The Committee had been informed by alternative sources that the underreporting of gender-based violence could be attributed to deficiencies in the evidence collection procedure for cases of sexual assault and to the fact that health-care providers charged victims of sexual assault a fee for issuing a medical report on the injuries sustained known as the P3 form. She asked whether that was indeed the case and, if so, when the State party planned to remove those obstacles. The delegation should also outline the State party's strategy for giving effect to Security Council resolution 1325 (2000) on women and peace and security.

46. **Ms. Schulz** said that, despite the fact that prostitution was a criminal offence, a large number of women continued to engage in the activity. The Committee had received reports that adult women who engaged in consensual prostitution often fell victim to violent raids conducted by police officers who demanded bribes and appropriated their earnings. She had also been alarmed to learn that the killing of prostitutes was seldom investigated and that those women often struggled to access health care, which reduced their ability to protect themselves against HIV/AIDS and other sexually transmitted diseases. She asked what measures the State party envisaged taking to prevent police officers from abusing their power in such a manner and to guarantee prostitutes equal access to justice and health care.

47. **Ms. Gbedemah** asked whether persons engaging in the practice of "beading" had ever been prosecuted for the criminal offence of marriage to a person under 18 years of age and, if so, what penalties had they incurred.

48. **A member of the delegation of Kenya** said that the Office of the Director of Prosecution had set up specialized units to combat gender-based violence, as well as subunits to deal with female genital mutilation and children. To date, no cases of female genital mutilation had been brought before the courts in 2017. The delegation could provide information on the number of cases of gender-based and domestic violence filed since May 2015 within 48 hours. The Office of the Director of Prosecution was working with the Anti-Female Genital Mutilation Board to implement the Prohibition of Female Genital Mutilation Act and had conducted awareness-raising and training activities at the community level. After the post-election violence witnessed in 2007 and 2008, the Government had devised a strategy to prevent the reoccurrence of such violence under which military police officers and humanitarian personnel were provided with training on how to deal with gender-based violence. Similar training had also been incorporated into the programme of study in police training colleges. While investigations had been launched into recent cases of gender-based violence, to date, no cases had been referred to the Office of the Director of Prosecution for action.

49. **Ms. Meroka** (Kenya) said that no statistical data was currently available on the number of prosecutions brought for offences related to or arising out of the practice of beading.

50. **Ms. Njuguna** (Kenya) said that, after adoption of the Sexual Offences Act, the Government had set up a multidisciplinary team to conduct a nationwide training programme. It had also created gender-based violence recovery centres, which had made it possible to carry out impact assessments, implement medical guidelines on the handling of cases, and provide services to survivors of gender-based violence. Ultimately, however, the fact that the health sector was receiving only a fraction of its budget allocation had made that level of service unsustainable. In addition, there were insufficient counsellors, although more were now being recruited.

51. In preparation for the 2017 elections, 180,000 security personnel had been deployed, a directory of service providers around the country had been drawn up in order to facilitate referrals of cases of rape or violence and the Ministry of Gender, Children and Social Development, had instructed centres around the country to draw up individual plans and sensitize staff in order to prepare for cases. The Ministry had also coordinated a rapid response mechanism, which had subsequently been given permanent status. In terms of prevention, peace talks, community dialogues and media coverage had been organized, and a toll-free gender-based violence helpline set up.

52. **A member of the delegation of Kenya** said that the police were receiving training in dealing with women in prostitution. According to standard operating procedures, the first step was to identify the victim and then put her in touch with the relevant facility or hospital. There were also mechanisms for livelihood support for women who were unable to support themselves in any other way than through prostitution. There were gender desks at police stations and the toll-free gender-based violence helpline was also available.

Articles 7 to 9

53. **Ms. Acosta Vargas**, noting that enactment of legislation to guarantee women's right to participate in decision-making bodies was an international obligation, said that the increased presence of women in the new Kenyan Parliament would make it easier to find a consensus on that issue. Nevertheless, regardless of that obligation, the State party could take action on other fronts to guarantee that right, for example by encouraging funding and political training for women candidates in order to help them to improve their chances of being elected. The Committee appreciated the progress made in women's representation in the judiciary; it would also like to receive information on women's participation in public corporations and in the private sector. She would like to know whether the perpetrators of the post-election violence had been punished. Given women's underrepresentation in decision-making bodies, and notably on committees working on poverty eradication, she would like to know whether any programmes were in place to change cultural attitudes in communities and among community leaders, such as to encourage recognition of women's positive contribution. She would like to know what action was being taken to encourage women to vote and whether any training in the election process was available in the various local languages.

54. As to women's representation in the diplomatic corps, she would be grateful if the delegation could update the figures given in the State party's report and also provide some information on Kenyan women in international organizations. What action was taken to ensure compliance with the rule that no more than two thirds of members of an appointed or elected body could be of the same gender?

55. **Ms. Schulz**, noting that the Marriage Act required customary marriages to be registered within three months and that that would enable women married under customary law and holding no marriage certificate to apply for a passport, asked what strategies were in place to disseminate that information and to ensure that registration could not be blocked by the other spouse. She would like to know whether the service delivery centres known as huduma centres, which issued birth certificates, national identity cards and passports, among other documents, were accessible and affordable and processed the documents in a timely manner. Given the low birth registration rates, particularly among marginalized communities, she wondered whether the State party had any plans to simplify the registration requirements and the process itself. She would like to know whether the huduma centres were used by women, and particularly women from disadvantaged groups such as refugee women and women with disabilities.

56. She welcomed the measures taken in response to the statelessness of the Makonde and Nubian peoples. There were still several groups of stateless persons in Kenya, such as the Pemba and Shona, as well as persons of Burundian and Rwandan descent, and children born in Kenya to British overseas citizens after 1981, and she wondered whether the Government intended to grant them citizenship also. Refugee and stateless women who married Kenyan men, and their children once they came of age, encountered difficulties in obtaining Kenyan citizenship. She would like to know what measures were in place to simplify administrative procedures. Certain sections of the Refugee Act were incompatible with the Constitution. What was the timeline for amendment of the Act? Did the State party plan to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and, if so, within what time frame?

57. **Ms. Meroka** (Kenya) said that, in terms of financial support for women's participation in political life, under the 2016 Election Laws (Amendment) Act, 15 per cent of the Political Party Fund was required to be distributed among political parties in proportion to the number of candidates from special interest groups, including women, fielded by each party. Measures were being taken to address political violence, and cases of violence were investigated and treated with the seriousness they deserved. As to changing cultural attitudes, the Independent Electoral and Boundaries Commission had taken steps to make it easier for parents with young children and pregnant women to go out and vote, in part by fast-tracking them through the polling station in order to enable them to return home quickly. The Commission had also taken practical steps before, during and after the election to ensure peace and security so that women were not afraid to go out and vote. In addition, the women's movement provided civic education to impress on the population that women in elected office could bring about positive change; examples of such change that were cited in order to encourage women voters were the Sexual Offences Act and the Protection against Domestic Violence Act.

58. **Ms. Baraza** (Kenya) said that immigration offices would disseminate information on the legislation on citizenship and on marriage. She was not in a position to say whether the Government intended to grant citizenship to refugees. However, in respect of stateless persons, the Government had appointed committees to facilitate the issuance of identity cards to persons of Somali origin and all children were being issued with birth certificates.

59. **Ms.** Wanjiru **Kariuki** (Kenya) said that the huduma centres had desk officers who were able to communicate in the various local languages. A computerization project was under way to permit verification of personal details and the immediate issuance of birth certificates.

60. **Ms. Acosta Vargas** said that she would like statistics on women heads of public corporations and private companies. She wondered whether the financial incentives to political parties were conditional on the number of women candidates.

61. **Ms. Gbedemah** said that she would appreciate the delegation's comments on reports from alternative sources to the effect that certain political parties were in receipt of the financial incentives yet were not compliant with the requisite criteria, notably in respect of women's participation. Kenyan women's representation of the Government at the international level had been reported as 18 per cent, a figure that could in part be improved by appointments, and she would like to hear what the State party intended to do in that regard. She would be interested to hear what action had been taken to address the concern of the National Gender and Equality Commission at the low number of women who had received ambassadorial appointments and what measures were being put in place to ensure that women's representation observed the gender principle on appointed positions.

62. She understood that a senior official of the Electoral and Boundaries Commission had resigned in the run-up to the recent elections, alleging that she had been subject to threats. Had that claim been made public and investigated?

63. **Ms. Schulz** congratulated the State party on the project to computerize birth registration and asked whether it could estimate when it might achieve universal registration of all births.

64. **Ms. Halperin-Kaddari** asked how the registration of customary marriages was to be done. Would both spouses or, in the case of a polygamous marriage, all the partners, need to be in agreement? She wondered what would happen if one party objected or refused to cooperate.

65. **Mr. Kihurani** (Kenya) said that the Government had recently granted citizenship to some 1,500 of the 4,500 persons from the Makonde community considered. Those who had not been granted citizenship were, in particular, Makonde women married to Kenyan men and therefore already Kenyan citizens, children of such marriages and those who had not been able to demonstrate that they had severed all ties with their country of origin, Mozambique. The task force would next be embarking on a similar exercise with the Pemba, Urundi and other stateless communities.

66. **Ms. Baraza** (Kenya) said that there was a legal requirement of registration of customary marriages. She did not expect that couples would defy the law. The Government would be looking into the question of the administrative hurdles preventing women refugees married to Kenyans from acquiring citizenship. The legislation, and the scenario it covered, were both new.

67. **Ms. Meroka** (Kenya) said that public institutions were adapting their own internal mechanisms in order to ensure compliance with the Constitution. They were required to adopt gender policies and to apply them in recruitment and promotion processes. The information provided by political parties needed closer monitoring and penalties should be imposed for those that obtained financial incentives without meeting the requirements.

68. **Ms.** Wanjiru **Kariuki** (Kenya) said that, in terms of public sector leadership, 23.8 per cent (5 out of 21) of the cabinet secretaries and 36.6 per cent (15 out of 41) of the principal secretaries were women. According to a recent Public Service Commission report, women accounted for 23.32 per cent of the national civil servants, but the figure was higher at the county level, where they accounted for nearly half of the civil servants.

The meeting rose at 1 p.m.